

AMENDED IN SENATE APRIL 16, 2009

SENATE BILL

No. 759

Introduced by Senator Leno

February 27, 2009

An act to ~~amend Section 105205~~ of *add Sections 105206 and 105207* to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 759, as amended, Leno. ~~Aerial~~ *Federal state of emergency: aerial spraying of pesticide: inert ingredients: information.*

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, programs relating to the reporting of pesticide poisoning.

Existing law establishes a program under the jurisdiction of the Department of Food and Agriculture for invasive pest planning, including, but not limited to, invasive pest eradication through aerial spraying of urban areas.

This bill would, in the event of aerial spraying of a pesticide as a result of a state of emergency declared by the United States Department of Agriculture, prohibit the use of a pesticide in aerial application within or near residential or sensitive areas where humans are likely to become exposed to the pesticide unless the manufacturer of the pesticide has previously and voluntarily made the complete ingredient list, including, but not limited to, all inert ingredients, available to the Office of Environmental Health Hazard Assessment. The bill would require the director to provide a complete list of all ingredients to specified officials and care providers, and would require the director to seek federal

reimbursement for all state costs associated with the emergency, as permitted by federal law.

This bill would declare that its provisions are severable, and that if any provision or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

~~This bill would, in the case of aerial pesticide spraying near residential or sensitive areas, require the Office of Environmental Health Hazard Assessment to use prescribed information regarding the effects of pesticides, including inert ingredients, to develop educational material for distribution to physicians and surgeons and to the public.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 105206 is added to the Health and Safety
2 Code, to read:

3 105206. The Legislature finds and declares that in order to
4 better diagnose and treat illnesses caused by, or related to, human
5 exposure to toxins through the aerial application of pesticides,
6 county agricultural commissioners, medical associations, health
7 departments, and health care professionals responsible for the
8 diagnosis and treatment of pesticide poisoning should be aware
9 of all ingredients, including, but not limited to, inert ingredients,
10 in pesticides that are authorized for aerial application in the state.

11 SEC. 2. Section 105207 is added to the Health and Safety Code,
12 to read:

13 105207. (a) In the event of aerial spraying of a pesticide as a
14 result of a state of emergency declared by the United States
15 Department of Agriculture, no pesticide shall be used in aerial
16 application within or near residential or sensitive areas within
17 this state where humans are likely to become exposed to the
18 pesticide unless the manufacturer of the pesticide has previously
19 and voluntarily made the complete ingredient list, including, but
20 not limited to, all inert ingredients, available to the Office of
21 Environmental Health Hazard Assessment.

22 (b) In the event of aerial spraying of a pesticide as a result of
23 a state of emergency declared by the United States Department of
24 Agriculture, the Director of Environmental Health Hazard

1 *Assessment shall, for each pesticide authorized for aerial*
2 *application, provide a complete list of all ingredients, including,*
3 *but not limited to, all inert ingredients, to local agricultural and*
4 *health officials in each county under a state of emergency,*
5 *including, but not limited to, county agricultural commissioners,*
6 *local emergency rooms, health care providers, health clinics,*
7 *hospitals, medical associations, school nurses, and veterinarians.*

8 *(c) The Director of Environmental Health Hazard Assessment*
9 *shall seek federal reimbursement for all state costs associated with*
10 *the emergency as permitted by federal law.*

11 *(d) The provisions of this section are severable. If any provision*
12 *of this section or its application is held invalid, that invalidity shall*
13 *not affect other provisions or applications that can be given effect*
14 *without the invalid provision or application.*

15 ~~SECTION 1. Section 105205 of the Health and Safety Code~~
16 ~~is amended to read:~~

17 ~~105205. (a) The Office of Environmental Health Hazard~~
18 ~~Assessment shall develop and implement, in cooperation with local~~
19 ~~health officers and state and local medical associations, a program~~
20 ~~of medical education to alert physicians and other health care~~
21 ~~professionals to the symptoms, diagnosis, treatment, and reporting~~
22 ~~of pesticide poisoning.~~

23 ~~(b) In the case of aerial pesticide spraying near residential or~~
24 ~~sensitive areas, the office shall utilize information obtained~~
25 ~~pursuant to subdivisions (b) and (c) of Section 5262 of the Food~~
26 ~~and Agricultural Code regarding the effects of pesticides, including~~
27 ~~inert pesticide ingredients, in developing educational material for~~
28 ~~distribution to physicians and surgeons and to the public.~~